

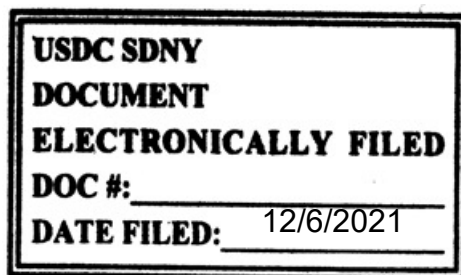


Seyfarth Shaw LLP

620 Eighth Avenue
New York, New York 10018
T (212) 218-5500
F (212) 218-5526

gusenheimer@seyfarth.com
T (212) 218-3507

www.seyfarth.com



December 6, 2021

VIA ECF

Hon. Magistrate Stewart D. Aaron
United States Courthouse
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Request GRANTED IN PART and DENIED IN PART.
Defendant Tishman Construction Corporation, d/b/a AECOM
Tishman, shall respond to Plaintiff's Complaint no later than
12/31/2021. SO ORDERED.

Dated: 12/6/2021

Re: Smith V. Tishman, et al., Civil Action No.: 1:21-cv-02915-PGG-SDA

Dear Judge Aaron:

This firm represents Defendants AECOM Tishman ("Tishman") and Tishman Construction Corporation ("TCC," and collectively, "Defendants") in the above-referenced action.¹ We respectfully request an extension of time to respond to Plaintiff's Complaint.

Plaintiff served a Summons on TCC on November 16, 2021 and on Tishman on November 18, 2021. (See ECF Nos. 16, 17). Defendants did not receive a copy of Plaintiff's Complaint with either Summons, as required for proper service pursuant to Federal Rule of Civil Procedure 4(c)(1). See *Valle v. GDT Enterprises, Inc.*, 2020 WL 435295 (E.D.N.Y. Jan. 28, 2020) (service insufficient where service did not comply with FRCP 4(c)(1)).

Had service been properly effected, Defendants' deadline to respond to the Complaint would be December 7, 2021 (TCC) and December 9, 2021 (Tishman). Defendants require additional time to prepare a full and complete response to Plaintiff's Complaint, and therefore respectfully request a 45-day extension of time (from December 9, 2021) through and including January 24, 2022 to respond to the Complaint (i.e., answer or move).

Defendants have conferred with Plaintiff regarding their request for an extension of time. Defendants offered to accept service of the Complaint by email in connection

¹ Although Plaintiff names two separate corporate Defendants, the formal legal name for the defendant entity is Tishman Construction Corporation. AECOM Tishman is a d/b/a for Tishman Construction Corporation.



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with this request. Plaintiff declined to consent to Defendants' request for an extension due to his belief that service of process on Defendants is sufficient.

Defendants have not made any previous requests for adjournment or extension. The requested relief will not affect any other scheduled dates. This application is being made in good faith and not to cause undue delay. We thank the Court for its time and attention to this matter, and for its consideration of this application.

Respectfully submitted,

SEYFARTH SHAW LLP

/s/ Gena B. Usenheimer

Gena B. Usenheimer

cc: All parties of record (via ECF)